

February 24, 2021

Hon. Lois Bloom
U.S. District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 09 2021 ★

BROOKLYN OFFICE

Re: *Capogrosso v. Gelbstein*, 18-cv-2710 (EK) (LB)

Dear Magistrate Judge Bloom:

I am the *pro se* Defendant¹ in the above-captioned case. I write (1) to oppose the Plaintiff's Letter Motion for Sanctions (ECF # 157) filed February 19, 2021; (2) to respectfully request an extension of time, *nunc pro tunc*, to serve my responses to Plaintiff's interrogatories; and (3) to request appointment of limited-scope pro bono counsel for the purpose of moving for summary judgment.

I apologize to the Court for failing to serve my responses to Plaintiff's interrogatories by the deadline of February 12, 2021. I had prepared my written responses with the help of limited-scope counsel in the Pro Se Project and was awaiting their receipt by Fed Ex. My residence does not reliably receive Fed Ex deliveries, however, and the document never arrived. The Pro Se Project will resend the document to me by U.S. First Class mail on February 23, 2021. As soon as I receive it, I will serve a copy on Plaintiff and counsel for Defendants by certified U.S. Mail.

I also request that the Court appoint me pro bono counsel for the limited purpose of moving for summary judgment (and if the Court is inclined to accept further briefing on Plaintiff's sanctions motion, to oppose that motion as well). The Pro Se Project has agreed to assist me in searching for pro bono counsel, but an order appointing limited-scope pro bono counsel may be helpful to them.

¹ This letter was drafted with the help of an attorney in the City Bar Justice Center's Pro Se Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Smart', with a large, stylized flourish extending to the right.

David Smart
Defendant, *pro se*

cc: Mario Capogrosso (by U.S. mail)
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